

## **NEWS RELEASES, 1996**

Jan. 11      Assistant Secretary – Indian Affairs Co-Grand Marshall in Martin Luther King, Jr. Celebration

Jan. 18      Assistant Secretary – Indian Affairs Finds the Ramapough Mountain Indians, Inc. – New Jersey Do Not Meet Federal Standards for Acknowledgment

Feb. 1        Assistant Secretary – Indian Affairs Applauds Efforts of Vice President Gore

Mar. 19      BIA 1997 Budget Seeks Restoration of Tribal Priority Funds

Mar. 28      Tribal Right to Sue Stricken

Apr. 3        Tribal Sovereignty Upheld: Montana's Challenge to EPA Authority Rejected

Apr. 10      Secretary Babbitt Strengthens Indian Resource Protection

Apr. 26      President Clinton Approves Extension for Publication of Indian Self-Determination Regulations

May 3        Alcohol-Related Birth Defects Awareness Week Proclaimed

May 8        Congressional Bill Threatens Indian Children

May 13      Notice of Advanced Rule Making for Indian Gaming Published in the Federal Register (61 F.R. 21394)

May 16      Assistant Secretary Deer Delivers Budget Cut Warning

May 17      Grandmother Katie Prevails Over the State of Alaska on Subsistence Fishing Rights

May 22      Deer Says Education Budget Cuts Hurt Indian Children

June 12      U.S. Supreme Court Review Requested: 60 Year Old Indian Land Law Declared Unconstitutional

June 21      Interior Department and Microsoft Join in New Partnership to Bring Computer Technology to Remote Indian Schools

Aug. 15      Bureau of Indian Affairs Recognizes Patrick A. Hayes' Accomplishments

Aug. 19      Indian Self-Determination Regulations Effective

## NEWS RELEASES, 1996

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- Aug. 20 American Indian Tribe Reverts to Ancestral Name: Spirit Lake New Name for Devil's Lake
- Sept. 6 Ada E. Deer, Assistant Secretary for Indian Affairs, Speaks on Affirmative Action
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- Sept. 27 Faster New School Construction to Benefit Indian Children
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- Dec. 6 Interior Department Recommends Legislative Options to Resolve Tribal Trust Fund Balance Disputes
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## **NEWS RELEASES, 1996**

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Dec. 26      H2O for S&F: The Sac & Fox Nation of Oklahoma Settles Water Pollution  
Lawsuit



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## Bureau of Indian Affairs - Press Release

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OFFICE OF THE SECRETARY/FOR IMMEDIATE RELEASE/January 11, 1996

Ralph Gonzales (O) 202/219-4150

### ASSISTANT SECRETARY - INDIAN AFFAIRS CO-GRAND MARSHALL IN MARTIN LUTHER KING, JR., CELEBRATION

Ada E. Deer, Assistant Secretary - Indian Affairs, will serve as co-Grand Marshall in a march honoring Martin Luther King, Jr., on January 15, 1996, in Atlanta, Georgia.

The Martin Luther King, Jr., Center for Nonviolent Social Change is commemorating the twenty-eighth Annual King Week, and Dr. King's sixty-seventh birthday with a week of activities in Atlanta. The Center's activities began on January 7, 1996, and will culminate with a "National March of Celebration & Rally" at 1:00 P.M., on Monday, January 15th.

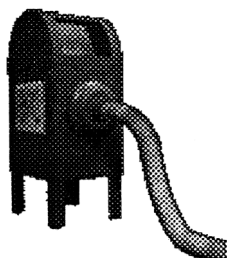
The celebration is expected to include domestic and international policy makers, educators, religious leaders and will be locally televised.

Ms. Deer was the recipient of the Martin Luther King, Jr., award from George Washington University, Washington DC, in 1995.

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(Up) (DOI) (HELP) (comments and mail)

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To Contact The Interior Service Center Web Team [Web Team](#)

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# DEPARTMENT of the INTERIOR

## news release

OFFICE OF THE SECRETARY

FOR IMMEDIATE RELEASE  
January 18, 1996

Ralph Gonzales (O) 202/219-4150

ASSISTANT SECRETARY - INDIAN AFFAIRS

FINDS THE RAMAPOUGH MOUNTAIN INDIANS, INC. - NEW JERSEY

DO NOT MEET FEDERAL STANDARDS FOR ACKNOWLEDGMENT

Ada E. Deer, Assistant Secretary - Indian Affairs, issued a notice today declining to acknowledge the Ramapough Mountain Indians Inc., as a Federally recognized tribe.

A Proposed Finding to decline to acknowledge the Ramapough Mountain Indians Inc., was first published in the FEDERAL REGISTER on December 8, 1993 and the original 180-day comment period was extended until May 8, 1995. The 60-day comment period for the Ramapoughs to respond to third-party comments ended on July 10, 1995.

As a result of this publication, the Bureau of Indian Affairs conducted an extensive review of (1) the Ramapough's response to the Proposed Finding, (2) the comments submitted by interested and third parties, (3) the Ramapough's response to the public comments, and (4) researched additional historic records in order to arrive at a final determination regarding their status.

Based on this review, the Bureau of Indian Affairs has determined that the Ramapough Mountain Indians, Inc., do not meet three of the seven mandatory criteria for acknowledgement as an Indian tribe under Federal law. Specifically, the Ramapoughs failed to meet criteria b, c, and e, of the federal regulations (25 CFR 83.7) because they did not exist as a distinct community from historic times to the present, did not maintain political influence or authority over their members from historic contact to present, and their membership does not descend from a tribe of American Indians or from tribes that combined and functioned as a single autonomous entity.

This decision will become effective in 90 days unless the tribe requests a reconsideration before the Interior Board of Indian Appeals.



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## Bureau of Indian Affairs - Press Release

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OFFICE OF THE SECRETARY / FOR IMMEDIATE RELEASE / February 1, 1996  
Michael Anderson (O) 202/208-5116

### ASSISTANT SECRETARY - INDIAN AFFAIRS APPLAUDS EFFORTS OF VICE PRESIDENT GORE

Ada E. Deer, Assistant Secretary - Indian Affairs, today expressed her gratitude to Vice President Al Gore for directly intervening on behalf of American Indians in last week's intense negotiations over the Department of the Interior's (DOI) continued funding resolution.

"Vice President Gore once again demonstrated his strong leadership and concern over the devastating effect massive budget cuts would have on American Indian programs," said Ms. Deer. "His efforts will have a decisive and immediate positive impact on the Indian Community," she says.

The debate between President Clinton and Congressional Republicans over the federal government's fiscal year 1996 budget resulted in his veto of an Interior Appropriations bill he considered mean-spirited and unacceptable in cuts to Indian and environmental programs. In retaliation, many Bureaus were targeted by Congress to receive drastically reduced funding in the continuing resolution. However, Vice President Gore championed the cause of Indian tribal governments in tough last-minute negotiations with the Congress. As a result, funding for Indian tribal governments will be provided at the agreed upon 1996 Conference level as opposed to announced cuts between 25 and 36 percent, as the Senate had supported.

Federal government funding for Indian tribal governments is critical because, unlike city, county, or state governments that typically have a non-federal tax base as a primary source of revenue, Indian tribes often rely on federal funds for service delivery.

Without this direct intervention, many Indian tribal governments face severe reductions in their ability to provide for tribal members, particularly the elderly and children who depend on these services.

Ms. Deer cautioned that tribes should not be too optimistic. "We're not out of the woods yet," she said. "This funding runs out on March 15th. The Senate is still threatening cuts of 25% or more in the future."



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

For Immediate Release  
March 19, 1996

Contact: Thomas W. Sweeney  
(202) 219-4150

## **BIA 1997 BUDGET SEEKS RESTORATION OF TRIBAL PRIORITY FUNDS**

Restoration of federal funds needed for Tribal Priority Allocations (TPA) that provide basic reservation programs and develop strong and stable tribal governments is a key component of the Fiscal Year 1997 Bureau of Indian Affairs \$1.78-billion budget request.

"As we approach the 21st Century, it is critical that the more than 550 federally recognized American Indian and Alaska Native Tribes receive the basic support needed to end the cycles of poverty and poor health that afflict so many tribal members," says Assistant Secretary of Indian Affairs Ada E. Deer. "Restoring these essential Tribal priority funds is key to honoring the federal trust responsibility to Tribes and fulfilling the government-to-government relationship with Tribes."

Tribes depend on the TPA budget for such basic necessities as law enforcement, child welfare, scholarships, natural resources management, and other programs designed to improve the quality of life and economic development potential on their reservations. Tribes can prioritize the funding for programs according to their own tribal circumstances and needs.

The BIA 1997 budget request reflects an overall \$211-million increase above the 1996 Conference level including \$158 million for TPA restoration. Besides strengthening tribal programs, the restored funds overall will ensure the accreditation of BIA schools, address critical infrastructure needs, and meet the Secretary of the Interior's trust responsibilities.

The BIA school operations budget of \$452 million is devoted to Indian education programs that serve more than 51,000 elementary and secondary students in 23 states. A \$43.5-million increase over the 1996 education budget is requested so that schools can meet state and regional accreditation standards and accommodate a projected 3.5-percent increase in student enrollment. More than one-third of the requested \$122-million BIA construction budget is for education construction.

-more-

New school construction is funded at \$18 million in order to build the \$14-million Many Farms High School in Arizona and to complete \$4 million in construction remaining at the Chief Leschi school complex in Washington state. The budget also includes \$23 million to correct health and safety deficiencies at BIA educational facilities.

Combined funding for BIA Central and Area Office activities and related support services is set at \$144.5 million, which is \$27.5 million less than two years ago. BIA streamlining and downsizing is reflected in the fact that 90 percent of the Bureau's operations account is devoted to education, social services, and other programs at the reservation level. Contrary to occasional reports, this means that 90 cents of every BIA operations dollar is delivered directly to the reservation.

**-BIA-**



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

## OFFICE OF THE ASSISTANT SECRETARY

### FOR IMMEDIATE RELEASE

March 28, 1996

Ralph E. Gonzales (202) 219-4150

### TRIBAL RIGHT TO SUE STRICKEN

The U. S. Supreme Court rendered its decision on the Seminole Tribe of Florida v. Florida et al., case on March 27, 1996. The 5 to 4 decision held that the "Eleventh Amendment prevents Congress from authorizing suits in federal court by Indian tribes against States to enforce" the provision in the Indian Gaming Regulatory Act (IGRA) requiring States to "negotiate in good faith."

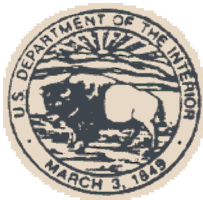
"This decision is not only a strike against American Indians' access to federal courts to enforce federal rights against a State, but jeopardizes the rights of all Americans to use the federal courts to ensure that States comply with federal law," said Ada E. Deer, Assistant Secretary for Indian Affairs. "I agree with Justice Stevens' assessment that this 'decision is fundamentally' a mistake."

The court's decision will prohibit Indian tribes from using the federal courts as a vehicle to compel States to negotiate in good faith for casino gaming, but all of the other provisions of the IGRA remain intact.

"The Bureau of Indian Affairs stands staunchly behind the Indian tribes and their right to conduct Indian gaming." "We will protect this American Indian right and exercise our trust responsibility to assist Indian tribes to engage in authorized gaming under the IGRA," said Ms. Deer.

There are 557 federally recognized Indian tribes which would be allowed to conduct Indian gaming under the IGRA, but currently there are only 282 tribes that are actively conducting Indian gaming and of this amount approximately 1/5 (126) tribes have tribal-state compacts authorizing casino gaming.

Indian gaming authorized under the IGRA, unlike non-Indian gaming, requires that the proceeds from the gaming operation be used to (1) fund tribal government operations or programs, (2) provide for the general welfare of the Indian tribe and its members, (3) promote tribal economic development, (4) donate to charitable organizations, or (5) help fund operations of local government agencies. "Indian gaming has been a general boost for some Indian tribal governments and has been instrumental in directly improving the living conditions of Indian people on various Indian reservations." States Ms. Deer. "Take for example the Oneida Tribe of Wisconsin that has used the proceeds to fund school, develop Tribal infrastructure, and to provide for the general welfare." "I pledge my direct and dedicated support to Indian tribes to continue to conduct Indian gaming under the IGRA."



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE ASSISTANT SECRETARY

FOR IMMEDIATE RELEASE

April 3, 1996

Ralph E. Gonzales (202) 219-4150

## TRIBAL SOVEREIGNTY UPHELD

### MONTANA'S CHALLENGE TO EPA AUTHORITY REJECTED

In July 1993, the Confederated Salish and Kootenai Tribes (the Tribes) submitted an application for treatment-as-state status under the Clean Water Act with respect to all surface waters within the Flathead Indian reservation. The State of Montana opposed the EPA granting the Tribes treatment-as-state status by arguing that the Tribes did not possess inherent civil regulatory authority over land owned by nonmembers.

The United States District Court, Missoula Division, District of Montana in its decision on March 27, 1996, upheld the EPA's approval of the Tribes' application to establish water quality standards for surface waters with the Tribes reservation under section 303 of the Clean Water Act.

"This is a major victory for the Salish and Kootenai Tribes within the State of Montana," said Ada E. Deer, Assistant Secretary for Indian Affairs. "This decision will assist other Indian tribes be given "treatment-as-state" status when they apply to the EPA to regulate water quality standards within their reservations." she said.

"As the primary agency within the federal government for the administration of federal programs and for the protection of Indian tribal rights, the Bureau of Indian Affairs, will continue to champion the cause of tribal governments and protect their rights." Ms. Deer said.

This ruling will now clear the way for the Tribes to proceed with the development of water quality standards. It confirms Indian tribal sovereignty.





# NEWS

## U.S. DEPARTMENT OF THE INTERIOR

Office of the Secretary  
For Immediate Release  
April 10, 1996

Contact: Thomas W. Sweeney  
(202) 219-4150

### **SECRETARY BABBITT STRENGTHENS INDIAN RESOURCE PROTECTION**

In a newly released report, Secretary of the Interior Bruce Babbitt charged each Interior Department office and bureau with identifying policies and procedures that protect and conserve Indian resources. The report, entitled *Protection of Indian Trust Resources Procedures*, outlines how each Interior Department bureau and office will integrate trust protection practices and policies into daily activities.

"We are strongly committed to ensuring that each bureau and office understands its trust obligations and conducts all activities that affect American Indian tribes and tribal members in accordance with the highest fiduciary standard," Babbitt said. "We are equally committed to working with tribes on a government-to-government basis in recognition of the sovereign powers of tribal governments. We are, therefore, pleased to have completed a major step in advancing Department-wide adherence to principles and practices that not only make the Department an effective trustee, but a responsive one as well."

"This report," said Assistant Secretary of Indian Affairs Ada E. Deer, "demonstrates our commitment to greater intergovernmental communication and cooperation with tribes. This report also can serve as a model for all Federal agencies to follow. I support and continue to encourage all Interior Department bureaus to work on initiatives that will benefit tribes and Indian people."

This Interior Department initiative also furthers President Clinton's 1994 memorandum on *Government-to-Government Relations with Native American Tribal Governments*, which was issued to "ensure that the rights of sovereign tribal governments are fully respected." In this directive, President Clinton highlighted the U.S. Government's unique legal relationship with tribal governments and outlined principles for all federal agencies to follow. The Interior Department's Bureau of Reclamation, for example, has completed an "Indian Trust Asset Policy and National Environmental Policy Act Procedures" report. Its question-and-answer

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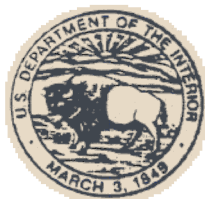


format provides guidance to bureau personnel on protecting Indian trust resources.

The report, *Protection of Indian Trust Resources Procedures*, was completed by the Office of American Indian Trust. Copies of the report can be obtained by contacting the Office of American Indian Trust, 1849 C Street N.W., MS-2472, Washington, D.C. 20240, telephone (202) 208-3338.

**-BIA-**





# NEWS

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS

FOR IMMEDIATE RELEASE  
April 26, 1996

Ralph Gonzales (202) 219-4150

PRESIDENT CLINTON APPROVES EXTENSION FOR  
PUBLICATION OF INDIAN SELF-DETERMINATION  
REGULATIONS

On April 25, 1996, President Clinton approved legislation extending the date that a Final Rule for the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638) be published in the Federal Register. The date required by the Indian Self-Determination Act Amendments of 1994 (P.L. 103-413) was April 25, 1996. This legislation provides for a 60-day extension and sets a new publication date of June 25, 1996 for a rule, Ada E. Deer, Assistant Secretary for Indian Affairs announced.

A Notice of Proposed Rule Making was published in the Federal Register on January 24, 1996 (61 F.R. 2038). This publication provided for a 60-day comment period which ended on March 25, 1996. Over 80 comments were received from the tribes and the general public.

"This extension will allow the BIA and IHS the time required to properly analyze the comments received," said Ms. Deer. "Now we can be assured that the necessary changes to this Rule are made in a considered manner without undue haste."

The BIA, IHS and tribal representatives will be making recommendations to the Secretaries of Department of the Interior and Department of Health and Human Services during this time. A Final Rule is expected to be published in mid-June 1996.

For further information on the joint regulation or the extension, contact Ms. Merry Elrod, IHS Office of Tribal Activities, (301) 443-6958, or Mr. James J. Thomas, Division of Self-Determination Services, Department of the Interior, Bureau of Indian Affairs, Room 4627, 1849 C. Street, N.W., Washington, D.C., 20240, (202) 208-3708..



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE:

ASSISTANT SECRETARY - INDIAN AFFAIRS

May 3, 1996

Ralph E. Gonzales (202) 219-4150

## ALCOHOL-RELATED BIRTH DEFECTS

### AWARENESS WEEK

### PROCLAIMED

A joint proclamation was issued today by the Director, Indian Health Service and the Bureau of Indian Affairs which will designate the week of May 12, 1996 Alcohol-Related Birth Defects Week, announced Ada E. Deer, Assistant Secretary for Indian Affairs.

Michael H. Trujillo, Director, Indian Health Service and Ada E. Deer, Assistant Secretary for Indian Affairs signed a proclamation directing BIA and IHS to continue to promote the concept of Alcohol-Related Birth Defects prevention in all BIA, IHS, tribal and urban programs. During the week of May 12, 1996 BIA offices, and IHS facilities should plan programs and activities to observe the occasion throughout the country.

"The American Indian youth are the Indian community's single most important resource for the future," said Ada Deer. "As a social worker and educator Indian children are always my primary concern. I directed much of my time and energy to actively promote programs and activities that would improve the health and life style of these children." "Our Indian children deserve entry into this world free of any defects resulting from alcohol consumption during pregnancy."

This proclamation requests all BIA and IHS employees support in American Indians and Alaska Natives efforts to prevent alcohol and other drug related birth defects.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS

FOR IMMEDIATE RELEASE

May 8, 1996

Ralph E. Gonzales (202) 219-4150

## CONGRESSIONAL BILL THREATENS

### INDIAN CHILDREN

H.R. 3286 introduced into the House of Representatives on April 23, 1996 proposes to amend the Indian Child Welfare Act of 1978 making it easier for non-Indians to adopt Indian children without tribal consent, Ada E. Deer, Assistant Secretary for Indian Affairs announced today.

"I join the Administration's support for the general provisions of this bill, but as the trustee for American Indians and Alaska Natives I cannot support Title III of H.R. 3286." "Title III of this bill, in my opinion, would in effect nullify major provisions of the Indian Child Welfare Act which were intended to preserve and maintain the cultural integrity of Indian communities and families," said Ms. Deer. "The provisions in this title set us back 30 years and destroy all the progress Indian tribes have made in protecting their children."

The Indian Child Welfare Act was passed after ten years of Congressional study expressing concern over the adoption of Indian children by non-Indian families. The intent of the Indian Child Welfare Act is to protect Indian children and the interest that an Indian tribe has in its children. The Congress recognized, when passing the Indian Child Welfare Act, that "States ... have often failed to recognize the essential tribal relations of Indian people and the cultural and social standard prevailing in the Indian communities and families." 25 USC 1901(5). At this time the House Rules Committee will allow amendments to H.R. 3286. This will provide an opportunity for an amendment to H.R. 3286 to be introduced which will delete any reference to amending the Indian Child Welfare Act.

"If Title III were to be adopted, it would effectively erode tribal sovereignty because it allows non-Indian forums to determine whether a biological parent maintains significant social, cultural, or political affiliation with the Indian tribe. This basic determination should rest with Indian tribal courts," said Ms. Deer. "To do otherwise strips tribal courts of their fundamental jurisdiction over this important matter and makes a mockery of Indian tribal sovereignty. Only a tribal forum can adequately determine the role that the extended Indian family fulfills on the reservation."

The Indian Child Welfare Act provides for the protection of Indian children by ensuring that they would be adopted by culturally sensitive families. Ms. Deer states, "It is very devastating for an Indian child to grow up in a non-Indian environment. An Indian child must know, feel and experience his culture."

Isolated hardship stories cited by the Congress about non-Indian adoptive parents should not form the basis for an amendment to the Indian Child Welfare Act. An amendment should be considered only after proper consultation with Indian tribal governments has occurred."



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS

FOR IMMEDIATE RELEASE  
May 13, 1996

Ralph E. Gonzales (202) 219-4150

## NOTICE OF ADVANCED RULE MAKING FOR INDIAN GAMING PUBLISHED IN

THE FEDERAL REGISTER (61 F.R. 21394)

Ada E. Deer, Assistant Secretary for Indian Affairs announced today that a Notice of Advanced Rule Making was published in the Federal Register on May 10, 1996. This publication seeks comments on the Department's authority under the Indian Gaming Regulatory Act (IGRA) to promulgate "procedures" to authorize Class III gaming on Indian lands when a state raises an Eleventh Amendment defense to an action brought against it in federal court by an Indian tribe.

This Federal Register publication results from the recent Supreme Court decision in the Seminole Tribe of Florida v. Florida case (116 S. Ct. 1114 (1996)). The decision in this case held that Indian tribes could not sue a state in federal court without state consent. In accordance with the Indian Gaming Regulatory Act, Indian tribes were allowed to initiate a cause of action in federal court when a state refused to negotiate a compact in good faith. The Indian Gaming Act further provided that the Secretary of the Interior could prescribe procedures under which Indian gaming would be conducted in the event of continued impasse between an Indian tribe and a state.

Subsequently the Supreme Court granted petitions for writ of certiorari filed by four Indian tribes (Ponca Tribe of Oklahoma, Ft. Balknap Indian Community, Blackfeet Tribe, and Spokane Tribe of Indians), and remanded the cases for further consideration in light of their decision in the Seminole case. The question regarding the Secretary's authority to issue procedures remains unanswered by the Court.

The Notice of Advance Rule Making asks for comments on:

The effect of the Supreme Court's decision in Seminole Tribe on the operation of other provisions in 25 USC 2710(d)(7) when a state does not waive its 11th. Amendment immunity to suit;

Whether, and under what circumstances, the Secretary of the Interior is empowered to prescribe "procedures" for the conduct of Class III gaming when a state interposes an 11th. Amendment defense to an action pursuant to 25 USC 2710(d)(7)(B);

What is an appropriate administrative process for the development of Secretarial procedures;

What procedures should be followed if a state interposes an 11th, Amendment defense to an action filed under 25 USC 2710(d)(7)(B);

What procedures can be, and should be, utilized for determining legal issues that may be in dispute, such as the "scope of gaming" permitted under state law. The scope of gaming issue arises when a state takes the position that it is not required to bargain with a tribe with respect to certain Class III games because IGRA does not authorize such games on the ground that such games are not permitted by the state "for any purpose by any person," 25 USC 2710(d)(1)(B); and

How any procedures promulgated by the Secretary may, and should, provide for appropriate regulation of Indian gaming.

"This is a very important matter for Indian tribal governments," said Ms. Deer. "I encourage all Indian tribes to provide comments so that the Department can make an informed decision regarding this matter."

Written public comment on this advance notice of proposed rulemaking must be received no later than July 1, 1996 to be considered. Comments should be sent to the; Department of the Interior, Bureau of Indian Affairs, c/o Mr. George Skibine, Director, Indian Gaming Management Staff, 1849 C Street, N.W., MS-2070 MIB, Washington, DC., 20240-0001, (202) 291-4066.

5-10-96  
Vol. 61 No. 92  
Pages 21361-21946

Friday  
May 10, 1996

# federal register

Briefings on How To Use the Federal Register  
For information on briefings in Washington, DC, see  
announcement on the inside cover of this issue.



[Corrected Version]

DEPARTMENT OF THE INTERIOR

25 CFR Part 291

RIN 1076-AD67

**Request for Comments on Establishing Departmental Procedures To Authorize Class III Gaming on Indian Lands When a State Raises an Eleventh Amendment Defense To Suit Under the Indian Gaming Regulatory Act**

**AGENCY:** Bureau of Indian Affairs

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Department of the Interior seeks comments on its authority under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. Section 2710, to promulgate "procedures" to authorize Class III gaming on Indian lands when a State raises an Eleventh Amendment defense to an action brought against it pursuant to Section 11 of the Act, 25 U.S.C. Section 2710(d)(7), and on other related matters. This advance notice is the result of the Supreme Court decision in *Seminole Tribe of Florida v. State of Florida*, 116 S.Ct. 1114 (1996).

**DATES:** Written public comment is invited and will be considered in the development of a proposed rule. Comments on this advance notice of proposed rulemaking must be received no later than July 1, 1996, to be considered.

**ADDRESSES:** Any comments concerning this notice, including sections regarding conformance with statutory and regulatory authorities, may be sent to: George Skibine, Director, Indian Gaming Management Staff, 1849 C Street, N.W., MS-2070 MIB, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** George Skibine, Director, Indian Gaming Management Staff, (202) 219-4088.

**SUPPLEMENTARY INFORMATION:**

**Background**

Congress enacted IGRA to provide a statutory basis for the operation and regulation of Indian gaming and to protect Indian gaming as a means of generating revenue for tribal governments. 25 U.S.C. Section 2702;



*Seminole*, at 1119. Since its passage in 1988, more than 140 compacts in more than 20 States have been successfully negotiated, entered into by States and Tribes and approved by the Secretary. Today, Indian gaming is a successful industry generating significant governmental revenue for Indian tribes, which provides funding for essential government services such as roads, schools, and hospitals. Prior to enactment of IGRA, States generally were precluded from any regulation of gaming on Indian reservations. See *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987). IGRA, by offering States an opportunity to participate with Indian tribes in developing regulations for Indian gaming, "extends to States a power withheld from them by the Constitution." *Seminole*, at 1124.

IGRA requires an Indian Tribe that wants to conduct casino type ("Class III") gaming on its Indian lands to negotiate a "compact" of terms and conditions for such gaming with the State in which the Indian lands are located. IGRA also provides that if the State fails to bargain, or to do so in good faith, the Tribe may sue the State in Federal court to enforce the remedial provisions provided by the statute. Under these provisions, if a court found a State not to be bargaining in good faith, it would "order the State and the Indian Tribe to conclude such a compact within a 60-day period." 25 U.S.C. Section 2710(d)(7)(B)(iii). If thereafter a State and Tribe fail to conclude a compact within this 60-day period, they "shall each submit to a mediator appointed by the court a proposed compact that represents their last best offer for a compact." *Id.* Section 2710(d)(7)(B)(iv). The mediator shall then "select from the two proposed compacts the one which best comports with the terms of this Act and any other applicable Federal law and with the findings and order of the court," *id.*, and submit his or her selection to the State and Tribe. *Id.* Section 2710(d)(7)(B)(v). If, within 60 days from the mediator's submission of his or her selection, the State consents to a proposed compact, such a compact authorizes Indian gaming pursuant to IGRA. *Id.*

Section 2710(d)(7)(B)(vi). If the State does not consent to a compact within 60 days of the mediator's submission, the Secretary of the Interior shall:

prescribe, in consultation with the Indian tribe, procedures—

(I) which are consistent with the proposed compact selected by the mediator under (25 U.S.C. Section 2710(d)(7)(B)(iv)), the provisions of [the Act] and the relevant provisions of the laws of the State, and

(II) under which class III gaming may be conducted on the Indian lands over which the Indian tribe has jurisdiction.

25 U.S.C. Section 2710(d)(7)(B)(vii). In practice, only a handful of cases have required resort to IGRA's judicial enforcement mechanism.

In *Seminole Tribe of Florida v. Florida*, the Supreme Court affirmed a decision by the Eleventh Circuit Court of Appeals holding that Congress may not abrogate State Eleventh Amendment immunity under the Indian Commerce Clause. The decision raises questions about the process now to be followed by Tribes who cannot secure State cooperation in the compacting process.

The Supreme Court's *Seminole* decision does not affect the validity of existing class III gaming compacts, but it does require the United States to consider the effect of a State's refusal to engage in remedial litigation designed to oversee the compacting process. In its decision below, the Eleventh Circuit suggested that the compacting process could proceed as prescribed by IGRA (including litigation) so long as a State did not assert its Eleventh Amendment immunity. In light of IGRA's severability clause, the Eleventh Circuit further expressed the view that if a State pleads an Eleventh Amendment defense and the suit is dismissed, the Tribe may then notify the Secretary and the Secretary may prescribe the terms of the particular compact. The Supreme Court expressly declined to consider the validity of this part of the Eleventh Circuit's opinion, and Florida's cross-petition for review of this issue was denied by the Supreme Court. By contrast, the Ninth Circuit, in its pre-*Seminole* decision rejecting an Eleventh Amendment challenge, *Spokane Tribe of Indians v. Washington*, 28 F.3d 991 (9th Cir. 1994), expressed disagreement with the Eleventh Circuit's views on that issue. *Id.* at 997.

In these circumstances, and because of the importance of the issues to the Tribes, the States, and the general public, the Department seeks comments regarding the manner in which the compacting provisions of IGRA may operate following the Supreme Court's *Seminole Tribe* decision.

#### Subject Matter of Potential Rulemaking

The Department seeks comments on the following specific issues, and on other issues directly related to the subject matter of this notice.

(1) The effect of the Supreme Court's decision in *Seminole Tribe* on the operation of other provisions in 25 U.S.C. Section 2710(d)(7) when a State does not waive its Eleventh Amendment immunity to suit;

(2) Whether, and under what circumstances, the Secretary of the Interior is empowered to prescribe "procedures" for the conduct of Class III gaming when a State interposes an Eleventh Amendment defense to an action pursuant to 25 U.S.C. Section 2710(d)(7)(B);

(3) What is an appropriate administrative process for the development of Secretarial procedures;

(4) What procedures should be followed if a State interposes an Eleventh Amendment defense to an action filed under 25 U.S.C. Section 2710(d)(7)(B);

(5) What procedures can be, and should be, utilized for determining legal issues that may be in dispute, such as the "scope of gaming" permitted under State law. The scope of gaming issue arises when a State takes the position that it is not required to bargain with a Tribe with respect to certain Class III games because IGRA does not authorize such games on the ground that such games are not permitted by the State "for any purpose by any person," see 25 U.S.C. Section 2710(d)(1)(B)1; and

(6) How any procedures promulgated by the Secretary may, and should, provide for appropriate regulation of Indian gaming.

#### Public Review

Comments on this notice may be submitted in writing to the address identified at the beginning of this rulemaking by July 1, 1996. Comments received by that date will be considered in the development of any proposed rule.

#### Executive Order 12866

This advance notice of proposed rulemaking has been reviewed by the Office of Management and Budget under Executive Order 12866.

#### Drafting Information

This Notice was drafted by the Office of the Solicitor, 1849 C Street, N.W., Washington, D.C., 20240.

Dated: April 30, 1996.

Ada E. Dear,

Assistant Secretary, Indian Affairs.

[FR Doc. 96-11287 Filed 5-9-96; 8:45 am]

50106 CODE 410-00-0



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

For Immediate Release  
May 16, 1996

Contact: Thomas W. Sweeney  
(202) 219-4150

## ASSISTANT SECRETARY DEER DELIVERS BUDGET CUT WARNING

Assistant Secretary of Indian Affairs Ada Deer today expressed strong concern over recent recommendations by Congressional Budget Committees to reduce the 1997 President's Budget for American Indian tribes and the Bureau of Indian Affairs with cuts from \$100 million to \$250 million.

The recommendations came as part of the FY 1997 balanced budget resolution. Each year the House and Senate Budget Committees develop the budget resolution, which is the overall guide on the next year's federal spending limit. The budget resolution does not require the President's signature, but once adopted by Congress the appropriations committees cannot exceed the spending limits.

"If the final decisions of Congress are in alignment with the Budget Committees, Indian tribes will suffer yet another major setback," Deer said. "Tribes need increased funds--that is to say a restoration of funds cut in the 1996 budget--to accommodate such essential needs as the 4,000 Indian children being added to BIA schools rolls between 1995 and 1997. Another alarming budget-cutting result is that Indian child welfare protection services and services to the elderly and families have already been scaled back nationwide," Deer added. "Tribes also need funds to provide basic police protection on the reservations. These and other basic needs are not being met."

The Budget Committees' recommendations for the BIA are suggestions as to how to meet the overall funding levels. Last year, the funding levels in the budget resolutions resulted in deep cuts and elimination of programs government-wide, including a reduction in the 1996 BIA budget of \$130 million, or eight percent, below 1995.

Recommendations from both Budget Committees would put the BIA 1997 budget below the 1995 level. The House Committee recommendations are particularly severe, reducing BIA programs by \$185 million below FY 1995. If Indian Country suffers further reductions in the upcoming fiscal year, unemployment on the reservations will increase, BIA schools will lose accreditation, the economic investments in natural resources will not be realized, and tribal governments will not achieve the level of self governance envisioned by the Indian Self-Determination legislation.

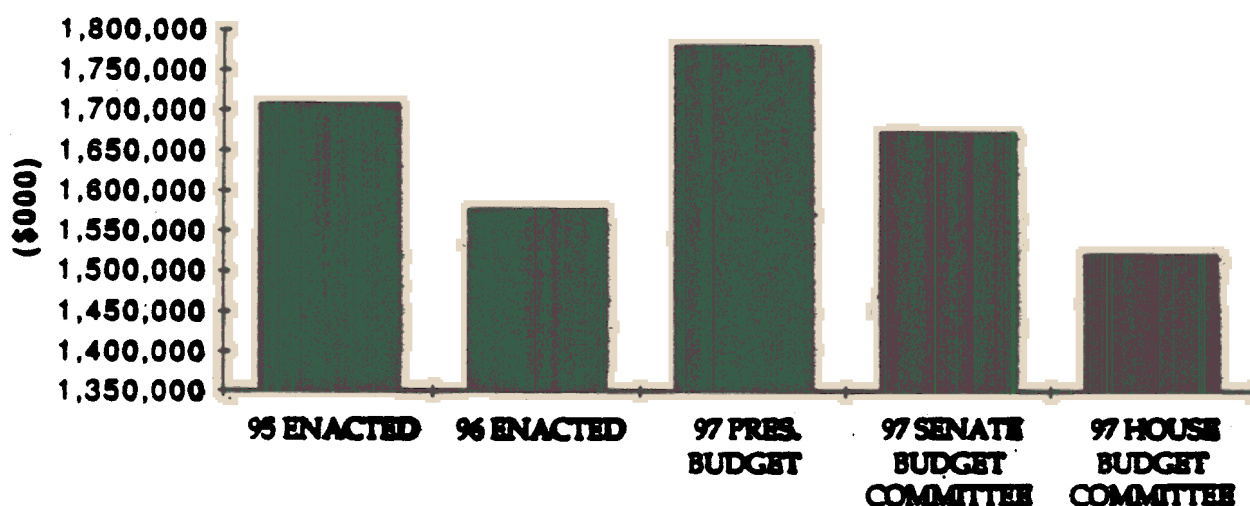
-more-

The House Budget Committee plans to achieve savings of \$324 million over the next six years by creating a new American Indian block grant program. Deer observes that savings would have to be extracted directly from tribal programs because the BIA's administrative costs are very low and amount to less than 10 percent of the operating budget.

The 1997 President's Budget provides \$205 million over 1996 appropriated funds in order to restore funding to BIA programs. The budget stresses the resources Tribes need to provide basic reservation programs and to develop strong and stable governments; ensure accreditation of BIA schools; address critical reservation infrastructure needs; and meet the Secretary of the Interior's American Indian trust responsibilities. Of particular importance is the restoration of funds lost in the 1996 budget for Tribal Priority Allocations (TPA). FY 1997 provides an increase of \$68 million, or nine percent over the comparable 1995 TPA level, and is vital for such ongoing tribal programs as law enforcement, road maintenance, scholarships, and housing repair. "This budget reflects President Clinton's ongoing commitment to Indian people," said Deer, "and demonstrates a realistic assessment of the needs of Indian tribes."

In 1997, nine of every 10 dollars appropriated to the BIA's operating account will be provided to education and other on-the-ground programs at the reservation level. "I want to emphasize that nine out of every 10 dollars goes to tribes," Deer said.

**Budget Committee Recommendations on BIA**



**-BIA-**



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

May 17, 1996

Ralph E. Gonzales (202) 219-4150

**GRANDMOTHER KATIE  
PREVAILS OVER THE STATE OF ALASKA ON  
SUBSISTENCE FISHING RIGHTS**

Ada E. Deer, Assistant Secretary for Indian Affairs expresses her approval that the United States Supreme Court decided Monday, May 13, 1996 not to hear the Katie John case which involves subsistence fishing rights in Alaska.

"This is a great victory for American Indians and Alaska Natives," said Ms. Deer. "Many of our people still depend on subsistence fishing and hunting as a means to provide food for their families. Subsistence living is a culturally based practice and I view it as a fundamental, aboriginal right."

The State of Alaska filed a petition for writ of certiorari requesting relief from a U.S. Court of Appeals, 9th Circuit decision authorizing the federal government to include within its subsistence management program certain navigable waters in Alaska where federal reserved water rights exist. Since most subsistence fishing takes place in navigable waters and lakes, the extension of federal management to many of these waters will help ensure protection of subsistence fishing rights for many Alaska Natives.

The case was originally filed by Ms. Katie John, Doris Charles, and others. Katie John is an upper Ahtna Athabaskan Indian from the Village of Mentasta, and Doris Charles is a tribal elder from the same area.

Katie John was denied her rights to fish for salmon at her traditional fishing camp at the confluence of Tanada Creek and the Copper River and sued first the State of Alaska and then the federal government to re-open her subsistence fishery. In the course of the litigation, the Department of the Interior agreed with Katie John that the subsistence priority should extend to those navigable waters. Other Alaska Native organizations, including the state-wide Alaska Federation of Natives, also joined Katie John in the long-running litigation.

The State of Alaska initially argued that the federal government has no authority to take over management of subsistence hunting and fishing on federal public lands because it was an area of traditional State management authority. However, the State could not continue to manage in conformance with the federal rural subsistence priority contained in the Alaska National Interest Lands Conservation Act (ANILCA) after the Alaska Supreme Court ruled in 1989 that a similar subsistence

priority included in State law violated the Alaska Constitution's requirement that fish and wildlife must be managed in common for the benefit of the Alaskans. In recent years, the State has amended its Constitution to bring it back into conformance with the federal rural subsistence priority required by ANILCA.

The Supreme Court's order this week clears the way for the Department to propose new subsistence regulations which will include subsistence fishing in designated navigable waters within the scope of federal subsistence protection. The Department's objective is to have regulations in place by the 1997 fishing season.

"There is a lot of work to be performed between now and the first of next year," said Ms. Deer. "We are currently conducting hearings across Alaska on proposed regulations which would implement the subsistence preference in conformity with the 9th Circuit's decision."







# NEWS

U.S. DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary  
For Immediate Release  
May 22, 1996

Contact: Thomas W. Sweeney  
(202) 219-4150

## **DEER SAYS EDUCATION BUDGET CUTS HURT INDIAN CHILDREN**

Rising enrollment at Bureau of Indian Affairs schools and a decline in federal funds per student mean that American Indian children will experience such serious problems as fewer teachers and less time in the classroom next fall.

"American Indian children deserve a decent education in accredited classrooms and safe, uncrowded dormitories to prepare them for the challenges of the 21st Century. These outrageous cuts are especially egregious because our schools already are drastically underfunded," says Assistant Secretary of Indian Affairs Ada Deer.


In FY 1996 Congress did not fund the Indian education increase requested by the BIA to meet the needs of an anticipated five-percent increase in student enrollment in School Year 1996-97. The impact of the FY 1996 cuts on the 187 BIA schools has been delayed until now because this is the time when the schools begin to make staffing decisions for the forthcoming school year. Basically, schools will not have sufficient funds to maintain an adequate teaching staff for the 50,000 Indian children attending BIA schools.

Initial cost-cutting measures include laying off 293 teachers and other school personnel at 16 of the schools the BIA operates in Arizona, New Mexico, South Dakota, and Utah. The Bureau operates 89 schools and funds 98 others that are operated by tribes. "I'm extremely concerned that schools will have to make additional staff cuts as the school year draws closer," Deer said. "Any unanticipated increase in enrollment will cause more cutbacks. For many of our students who live on remote, isolated reservations with no access to public schools, there is no escape from this disgraceful situation." Other initial cutbacks necessitated by the FY 1996 budget are:

### **1996-97 School Year Cutbacks for BIA Schools and Dormitories:**

- Three schools, including one of the larger high schools, have changed the school hours from eight to six.
- Some schools have shortened their school year from 180 days to 175 days.
- A few schools have indicated that they will have to accommodate new students by combining grades so that students in two grades must share one room with one teacher.

**-more-**

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- The Bureau is concerned that it will not be able to provide aides to supervise students in dormitories, especially during the night. The potential for serious safety problems to arise is very great.
  - Students may not be able to return home on weekends from dormitories and boarding schools because of the schools' lack of transportation money.
  - Evening snacks for dormitory students also will be curtailed.
  - Rising gasoline costs and increased lease rates for school buses will be passed on to the schools. The transportation funds will not be sufficient to cover the proposed 10.4-percent increase in lease rates or the 61 percent increase in repairs and maintenance.
  - As a result, students and parents may have to drive or walk to more distant bus pickup points, which raises safety concerns. Additionally, student extracurricular activities will be curtailed because of the cost of after-school transportation.

### **Higher Education and Scholarships**

- The Higher Education Scholarship program received a 10 percent reduction in its annual federal funding. This program is on the Tribal Priority Allocation budget line item. More than 1,000 deserving students will lose their only opportunity for higher education.
- The American Indian Graduate Center, which receives the Special Higher Education Grant Funds, was reduced by 50 percent. The Center funded 350 students who were continuing in a degree program. More than 900 students applied for graduate assistance. With the current drastic cut in funding, the center was unable to assist new students and estimates its unmet need at \$8 million.

### **1997 BIA Education Budget**

"These cutbacks are attacks on the future of American Indian students," says Assistant Secretary Deer. "Adequate federal funding for their education is of the utmost importance. We must invest in our young people. President Clinton's FY 1997 Budget supports the Bureau of Indian Affairs' schools." The 1997 President's budget requests an increase of \$43.5 million in order to accommodate increasing enrollment.

BIA schools provide one of the primary avenues for reducing future unemployment on reservations. However, it appears that recent Congressional action on next year's budget may put Indian children in even greater jeopardy. Just this week, the House Appropriations Committee made decisions on the FY 1997 spending limits for government-wide programs. The House Committee reduced the allocation for the programs funded in the Interior bill by \$900 million, or 7.5 percent below the already reduced 1996 level. A reduction of this size means that it is very unlikely that dollars can be found to fund needed increases for Indian schools. Despite an anticipated 2,000 student increase, reductions below the 1996 level seem likely.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

## OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS

### FOR IMMEDIATE RELEASE

June 12, 1996

Ralph E. Gonzales (202) 219-4150

### U.S. Supreme Court Review Requested

### 60 Year Old Indian Land Law Declared Unconstitutional

Ada E. Deer, Assistant Secretary for Indian Affairs is pleased to announce that on June 3, 1996 the Department of Justice on behalf of the Department of the Interior petitioned the United States Supreme Court to review the Eighth Circuit, U.S. Court of Appeals holding that Section 5 of the Indian Reorganization Act of 1934, (IRA) (25 U.S.C. 461 et seq.), is unconstitutional (69 F.3d 878).

Section 5 of the IRA provides in part that:

The Secretary of the Interior is authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

The IRA was enacted to reverse the disastrous massive loss of land suffered by the Indian tribes resulting from the Indian General Allotment Act (24 Stat. 388, (1887)). In the petition for writ of certiorari the Solicitor General for the Department of Justice states "The IRA's 'overriding purpose' was 'to establish machinery whereby Indian tribes would be able to assume a greater degree of self-government, both politically and economically.'"

The petition for Certiorari requests that the Supreme Court grant the petition, (1) vacate the holding of the court of appeals, and remanded the case to the district court. It further requests that the district court remand the matter to the Secretary of the Interior for reconsideration of his administrative decision - the placing of the 91 acres of fee land into trust for the Lower Brule Sioux Tribe, or (2) in the alternative, that the Supreme Court grant plenary review and set the case for briefing and argument.

"Approximately nine million acres of land has been taken into trust since the IRA was passed. The declaration that this law is unconstitutional is potentially devastating to the Indian community. It attacks the ability of Indian tribal governments to govern, because it places at issue tribal jurisdiction which involves law enforcement, taxation, land-use regulation, housing, fishing and hunting rights," said Ms. Deer.



"The federal government has a trust responsibility to Indian tribes and must protect one of the most basic tribal rights," said Ms. Deer. "American Indians have always had a special connection with the land. American Indians lost approximately 90 million acres of land after the Allotment Act was passed. The IRA was passed specifically to correct this problem and provide a basis for Indian tribal governments to form an economic foundation upon which to become self-sufficient."

In 1990 the Lower Brule Sioux Tribe purchased 91 acres of fee land [land which was in private non-Indian ownership] to develop an industrial park. Under Section 5 of the IRA the Tribe requested that the Bureau of Indian Affairs place this land "in trust" for their benefit. The Bureau, following requirements of the Code of Federal Regulations (25 CFR 151), notified the local non-Indian government of the request. On July 13, 1992 the State of South Dakota and City of Oacoma filed a complaint in the United States District Court for the District of South Dakota. Only after the land had been taken into trust, was the issue of the constitutionality of Section 5 of the IRA raised when the State and city filed an amended complaint. The district court ruled that this challenge was without merit. However, the court of appeals reversed the district court's decision which in effect sustained the proposition that Section 5 was unconstitutional.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

FOR IMMEDIATE RELEASE

June 21, 1996

Stephanie Hanna (O) 202/208-6416

John Pinette, Microsoft Corporation (O) 206/ 882-8080

## **INTERIOR DEPARTMENT AND MICROSOFT JOIN IN NEW PARTNERSHIP TO BRING COMPUTER TECHNOLOGY TO REMOTE INDIAN SCHOOLS**


Calling it "a tremendous step forward in addressing the needs of technologically needy students on remote Indian reservations," Secretary of the Interior Bruce Babbitt announced today that Microsoft Corporation has contributed over \$350,000 in software, computers and cash to Four Directions, a project of the Bureau of Indian Affairs (BIA) that will electronically link Indian schools using the Internet and provide new technology opportunities to Native American students in eight states.

"Microsoft's donation will bring the power of the Internet to tribal communities that have been geographically and economically isolated," Secretary Babbitt said. "This program will supply rich new resources to the children in these communities, powerful new tools to the teachers in these formerly isolated schools, and new communications opportunities for adults throughout their communities. Yesterday, these eight communities were among the most technologically deprived in America; tomorrow, these communities will have the tools and skills to participate more fully in the information age."

Four Directions is a Bureau of Indian Affairs project designed to bring technology to Indian schools. It seeks to expand student access to technology, improve communication among BIA schools, share learning resources and expose the wider community to new technologies, including the Internet.

"We view this as an opportunity to share the latest technology with students who otherwise might have little or no access," said Bill Neukom, Microsoft's Senior Vice President for Law and Corporate Affairs. He added: "Four Directions will help students, teachers, and the broader communities in which they live. At Microsoft, we understand the potential of the personal computer and the Internet - but we also understand that some communities do not have access to these technologies. This partnership with the Bureau of Indian Affairs is an important part of our efforts to help bridge the gap between 'haves' and 'have-nots' in the information age."

(more)



"Every school should have access to the intellectual and cultural resources of the Internet. This technology can help to connect schools with their communities, encourage communication among parents, teachers and students, and assist teachers in sharing resources and best practices," Neukom continued. "Today, students, teachers, librarians and community members can collaborate in new and productive ways. Four Directions is a marvelous example of making those important connections with PC technology."

Microsoft will provide software, computers and cash to fund teacher training in eight pilot schools. Project goals include connecting teachers in the pilot schools around the country with one another to share learning resources, lesson plans and advice. Incorporation of Native American themes into curriculum and expanded access and use of technology by Indian students will also be part of the project.

"The Four Directions Project has the potential to transform teaching and learning in schools funded by the Bureau of Indian Affairs, and those public schools educating American Indian children," Gilbert Sanchez, from the Pueblo of Laguna, lead Local Education Agency for the project, said. "Significant learning will occur when technology, Indian culture, language and subject matter is integrated holistically."

The Four Directions pilot schools are

Dilcon Boarding School; Winslow, Arizona  
Ahfachkee Day School; Clewiston, Florida  
Indian Island School; Old Town, Maine  
Hannahville Indian School; Wilson, Michigan  
Fond du Lac Education Division; Cloquet, Minnesota  
Laguna Middle School; Laguna, New Mexico  
Takini School; Howes, South Dakota  
Quileute Tribal School; La Push, Washington

Software titles donated to the pilot schools include: Microsoft NT Server, BackOffice Server 1.5, Microsoft Windows95 Upgrade, Microsoft Office Professional, Microsoft Project, Creative Writer, Fine Artist, Encarta96 Encyclopedia, 500 Nations, Art Gallery, Magic School Bus-Oceans, Magic School Bus-Solar System, Magic School Bus-Human Body, Ancient Lands, Dangerous Creatures, Explorapedia: World of Nature, Art Gallery, Automap Road Atlas, Bookshelf, Dinosaurs, Flight Simulator, World of Flight, Composer Collection, Cinemania and Microsoft Money.

"As a former educator with a deep attachment to Indian students everywhere, I am very pleased to see Microsoft providing this hardware, software and training for teachers in these eight remote Indian schools," Assistant Secretary for Indian Affairs Ada Deer said. "These young people deserve the tools to be able to compete in the 21st century, and I look forward to hearing of their progress working with the Internet and being able to enrich their lives through communication with other students, teachers and experts throughout the country and the world."

**-DOI-**



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
DEPUTY COMMISSIONER OF INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

August 15, 1996

Ralph E. Gonzales (202) 219-4150

**BUREAU OF INDIAN AFFAIRS**

**RECOGNIZES PATRICK A. HAYES'**

**ACCOMPLISHMENTS**

The accomplishments of Patrick A. Hayes, Esq., former Area Director of the Albuquerque Area Office will be recognized at the graduation ceremony of the Water Resource and Engineering Surveying Technical Training Programs on August 15, 1996, Hilda Manuel, Deputy Commissioner for Indian Affairs announced today. The Water Resource Technical Training is being held at New Mexico State University, Las Cruces, New Mexico in August 1996 through September 1996.

"Mr. Hayes, while Director, Office of Trust Responsibilities, was instrumental in promoting, developing and instructing the BIA's innovative Water Resource and Engineering Surveying Technical Training Programs," Ms. Manuel said. "Without Pat's commitment and dedication to this initiative, it could not have been the overwhelming success that it is today. In addition, to providing much needed training for Indian tribal governments regarding a very important tribal resource, 100% of the participants complete the program." The first Water Resource program was initiated in 1993. It began with sixteen students selected from a field of 115 applicants. The participants represented fifteen different tribes from a wide cross-section of the United States.

Since 1993 the popularity of this initiative has grown. There have now been 455 applications with a total of 122 students attending and completing the course. The objectives of this training initiative are to build tribal capabilities by providing American Indian individuals with practical skills to deal with physical, environmental, economic, legal, administrative, and cultural aspects of water resource development and management, and to enable the tribes to do their own surveying tasks. What is particularly unique about this training initiative is that it requires abstinence from drugs and alcohol throughout the 1-year on-the-job training. Graduates have gone on to complete further educational goals and have been promoted to more demanding, more highly paid job opportunities.

Mr. Hayes was born in Webster, South Dakota, on November 26, 1944 and was an enrolled member of the Sisseton-Wahpeton Sioux Tribe. He began work for the BIA after obtaining a Bachelor of Arts Degree in Government/Political Science in 1966. His BIA career was interrupted by military service (1967 - 1970) and to attend the University of New Mexico, Law School (1971 - 1974). "Mr. Hayes held many significant, managerial positions for the Bureau and we are very grateful for his untiring work,

dedication and contributions," Ms. Manuel said. Some of the positions Mr. Hayes held within the BIA were; Enrollment Coordinator for Alaska Native Enrollment Office, Anchorage, Alaska, Judicial Services Officer, Division Chief for Tribal Government Services, Superintendent, Colorado River Agency, Parker, Arizona, he entered the Senior Executive Service in 1986, Realty Officer for the Phoenix Area, Phoenix, Arizona, Assistant Area Director for Indian Programs in the Phoenix Area, Deputy to the Assistant Secretary - Indian Affairs (Trust and Economic Development), Deputy Commissioner of Indian Affairs, Area Director, Billings, Area Director, Albuquerque.

Mr. Hayes, who dedicated his entire professional career to Indian Affairs, is being recognized for his ingenuity and support for the Water Resource and Engineering Surveying Technical Training Programs as well as his tenure and exemplary leadership as the Director, Office of Trust Responsibilities. "Mr. Hayes was truly a good Chief, Indian leader, mentor and friend to many individuals within the Bureau. Pat's loss has been deeply felt at the Bureau. I am sure that the American Indian people he served and his co-workers join me in this expression of our gratitude," Ada E. Deer, Assistant Secretary for Indian Affairs said.

**PATRICK A. HAYES, Esq., 1944 - 1995**



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

## OFFICE OF THE SECRETARY

### FOR IMMEDIATE RELEASE

August 19, 1996

Ralph E. Gonzales (202) 219-4150

## INDIAN SELF-DETERMINATION

### REGULATIONS EFFECTIVE

Secretary Bruce Babbitt announced today that the final rule to implement amendments to the Indian Self-Determination and Education Assistance Act will be effective on August 23. "This rule, developed with tribal governments, will promote Indian self-sufficiency by allowing tribes and tribal organizations to more easily contract from the federal government for services provided to their members," Secretary Babbitt said. President Clinton signed the Self-Determination Contract Reform Act in 1994 which authorized the Departments of Interior and Health and Human Services to convene a rulemaking committee to negotiate implementing regulations with representatives of American Indian and Alaska Native tribes and tribal organizations. The committee included 48 tribal members, 9 Interior representatives and 6 Health and Human Services representatives, the largest rulemaking committee ever convened. The Committee completed its work in June, 1996, and achieved in just over one year consensus on virtually every rule to implement over two billion dollars in self-determination contracts funded by the Departments.

The final rule was published in the Federal Register on June 24, 1996. It standardizes requirements Indian tribes and the Departments must follow in applying for and operating Indian Self-Determination contracts and grants from the Departments of Interior and Health and Human Services.

The tribal co-chairs report on the process noted: "As a result of the rulemaking process, substantial trust and mutual understanding have developed between federal agency representatives and tribal representatives. This is because federal and tribal representatives on the committee have met as equals, reflecting a true government-to-government relationship between separate sovereigns."





# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

August 20, 1996

Ralph E. Gonzales (202) 219-4150

Cora L. Jones (605) 226- 7343

**AMERICAN INDIAN TRIBE**

**REVERTS TO ANCESTRAL NAME**

**SPIRIT LAKE NEW NAME FOR DEVIL'S LAKE**

The Devil's Lake Sioux Tribe of North Dakota has officially changed its name to **SPIRIT LAKE TRIBE**, Ada E. Deer, Assistant Secretary for Indian Affairs announced today.

According to the elders of the Tribe, who maintain the oral history of the lake for which the Tribe was named, it was always known to the Sioux as "Spirit Lake." Therefore, for members of the Tribe it has always been considered wrong to refer to the lake as "Devil's Lake."

The Spirit Lake Sioux are related to the Sisseton-Wahpeton Band of Mississippi or Eastern Sioux. This group's ancestral grounds were in Minnesota. The discovery of gold in Montana in 1862 brought a major influx of settlers and gold miners through Minnesota - Sioux country, which resulted in the Minnesota Uprising. Many members of the Sisseton-Wahpeton Band migrated west in the wake of this conflict settling in the Fort Totten Area.

In the 1970s the Tribe changed their name to the "Sisseton-Wahpeton of North Dakota." This change was short lived because it caused confusion with the Sisseton-Wahpeton Sioux of South Dakota and was abandoned.

Final approval of the name change was granted by the Bureau of Indian Affairs on August 15, 1996. "This brings to a conclusion the dream of many tribal members as well as bringing closure to the memories of those whose grandparents handed down the true meaning of 'Mni Waukan Oyate' (Spirit Lake Family/Relatives)," Delbert E. Brewer, Area Director, Aberdeen Area Office said.

The Spirit Lake Tribe is located in northeast North Dakota. Their address is Spirit Lake Tribe, Sioux Community Center, Fort Totten, ND 58335, (701) 766-4221, fax (605) 226-7446.



# NEWS

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## U.S. DEPARTMENT OF THE INTERIOR

### **OFFICE OF THE ASSISTANT SECRETARY - INDIAN AFFAIRS**

#### **FOR IMMEDIATE RELEASE**

September 6, 1996

Ralph E. Gonzales (202) 219-4150

**ADA E. DEER**

**ASSISTANT SECRETARY FOR INDIAN AFFAIRS**

**SPEAKS ON AFFIRMATIVE ACTION**

Ada E. Deer, Assistant Secretary for Indian Affairs, will appear on ABC's Unity '99 hosted program which is a nationally televised electronic town hall meeting on Affirmative Action. The program is scheduled to be aired on Wednesday, June 12, 1996 which is telecasted from Chicago, on channel 7. This program is replacing ABC's Nightline on the 12th.

**The broadcast will take place on WLS-TV (ABC), Channel 7, at 11:30 EDT; 10:30 CDT.**

Featured panelists include Jesse Jackson, President, Operation PUSH; Deval Patrick, Assistant Attorney General, Civil Rights Division; Antonio Monroig, Chair, Republican National Hispanic Assembly; Susan Au Allen, President, Pan Asian Chamber of Commerce; and Karen Narasaki, Executive Director, National Asian Pacific American Legal Consortium; Ada E. Deer, Assistant Secretary for Indian Affairs (Menominee).

News releases may be downloaded from the DOI Homepage at URL <http://www.usgs.gov/doi/bia>



Section 25 USC 2710 (d)(7)

FEDERAL COURT JURISDICTION

INDIAN GAMING- COMPACTS

JURISDICTION - FEDERAL DISTRICT COURT:

The United States district courts shall have jurisdiction over any cause of action initiated by --

- i an Indian tribe arising from the failure of a state to enter into negotiations with the Indian tribe for the purpose of entering into a Tribal-state compact or to conduct such negotiations in good faith,
- ii a State or Indian tribe to enjoin a class III gaming activity located on Indian lands and conducted in violation of any Tribal-State compact,
- iii the Secretary of the Interior to enforce the procedures developed after the State refuses to consent to a proposed compact submitted to the Secretary for consideration by a mediator.

After failure to execute a compact or when negotiations come to impasse the tribe may go the federal court alleging that the State refused to respond or did not respond in good faith.

The federal court will then order the State and the Indian tribe to conclude negotiations. (60-days)

COURT APPOINTED MEDIATOR:

If this fails the Indian tribe and the State shall each submit to a mediator appointed by the court a proposed compact that represents their last best offer for a compact. The mediator shall select one which best comports with the terms of the IGRA, federal law and with the findings and order of the court.

The mediator shall provide the State and Indian tribe the compact selected. The state has 60-days to consent.

SECRETARIAL PROCEDURES:

If the State refuses to consent the mediator shall notify the Secretary of the Interior who shall prescribe, in consultation with the Indian tribe, procedures, which are consistent with the proposed compact selected by the mediator, the IRA, and relevant state law, under which class III gaming may be conducted on Indian lands over which the Indian tribe has jurisdiction.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

September 6, 1996

Ralph E. Gonzales (202) 219-4150

## **BIA PROPOSES NOT TO RECOGNIZE WASHINGTON GROUP**

### **DUWAMISH FAIL TO MEET CRITERIA**

#### **FOR TRIBAL ACKNOWLEDGMENT**

Assistant Secretary for Indian Affairs Ada E. Deer signed a preliminary decision in which she proposes to deny Federal recognition of the Duwamish Tribal Organization of Renton, WA, a petitioner for Federal acknowledgment as an Indian tribe.

"The petitioner failed to meet three of the fundamental criteria contained in the Code of Federal Regulations, Title 25, Section 83.7," Ms. Deer said.

This preliminary decision means that the Washington group would not be eligible for certain rights and benefits accorded tribes that are granted "Federal recognition" or "acknowledgment" and therefore have a government-to-government relationship with the United States.

The Bureau of Indian Affairs (BIA) determined that the Duwamish group is an organization of Duwamish descendants that has existed since 1925. While the petitioner's individual members can trace their ancestry back to a historical Duwamish tribe, the petitioner has not existed as a tribal entity continuously since the time of first sustained contact between the historical Duwamish tribe and non-Indians. The petitioner has been identified by external observers as an Indian entity, but only since about 1940. The petitioner does not form, and has not formed, a distinct social or geographical community in western Washington. Its organization has functioned for limited purposes since 1925 and has exercised no meaningful political influence or authority over its members.

A historical Duwamish tribe was described as consisting of the

Indians living at the confluence of the Black, Cedar, and Duwamish Rivers south of Lake Washington, as well as along the Green and White Rivers and the eastern shore of Puget Sound in the area of Elliott Bay. A distinct Duwamish community continued to exist in this area until about 1900. The petitioner's organization came into existence in 1925. This Duwamish Tribal Organization has not exercised political influence or authority over its members. No evidence shows that members were involved actively in making decisions for the group or resolving disputes among themselves. The petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population. The group's geographical dispersion is consistent with other evidence showing that members do not maintain, and have not maintained, significant social contact with each other. Since 1925, the social activities of the petitioner's members with other members, outside the organization's annual meetings, took place within their own extended families, but not outside their own family lines. Identifications made by outside observers of a Duwamish community before 1900 and an organization after 1940 do not identify the same entity and do not link the modern petitioner to the historical tribe as an Indian entity which has continued to exist over time.

The BIA employs historians, anthropologists, and genealogists to research the claims of groups seeking recognition as Indian tribes. Each case is evaluated individually according to the seven mandatory criteria for Federal acknowledgment. Although revised acknowledgment regulations became effective March 28, 1994, the Duwamish Tribal Organization chose, as provided in 25 CFR 83.3(g) of the revised regulations, to complete their petitioning process under the previous acknowledgment regulations.

Currently, there are 554 federally-recognized American Indian tribes. Tribes recognized through the acknowledgment process within the past year are the Huron Potawatomi of MI and the Jena Band of Choctaws of LA.

Under the regulations, the Duwamish and interested parties have 120 days to comment on the Assistant Secretary's proposed finding that would deny Federal recognition. All comments must be in writing and should be addressed to the Branch of Acknowledgment and Research, Bureau of Indian Affairs, 1849 C Street N.W., Washington, D.C. 20240.

-BIA-



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

September 17, 1996

Ralph E. Gonzales (202) 219-4150

**GOLDEN HILL PAUGUSSETTS OF CONNECTICUT**

**FAIL TO MEET MANDATORY REQUIREMENT**

**FOR FEDERAL ACKNOWLEDGMENT**

Ada E. Deer, Assistant Secretary for Indian Affairs signed a final decision denying recognition of the Golden Hill Paugussett Tribe. The decision was based on the determination that the Golden Hill Paugussett Tribe did not meet one of the mandatory criteria in the Code of Regulations (25 CFR 83.7(e)).

A notice of a Proposed Finding to Decline Recognition was published in the Federal Register on June 8, 1995 (60 FR 30430). A 180-day comment period was provided for public comment. Subsequently, a 60-day period was provided for the Golden Hill Paugussetts to respond to third-party comments resulting from this publication.

This decision is based upon a new analysis of all the information in the record. This includes the information available for the Proposed Finding, the information submitted by the petitioner in its response to the Proposed Finding, evidence and documentation submitted by interested and informed parties during the comment period, the petitioner's response to the third party comments, and new evidence and documentation collected by the BIA staff for evaluation purposes. None of the evidence and information used in this analysis demonstrated that the Golden Hill Paugussetts descended from a historic American Indian tribe.

The petitioner continued to claim ancestry from the historic Paugussett tribe through a single individual, William Sherman, a common ancestor of the entire present membership. Extensive research by the petitioner, third parties, and the BIA has failed to document, using acceptable genealogical methods, that William Sherman was Paugussett or Indian. The evidence submitted in the Golden Hill Paugussett's response focussed on William Sherman's ancestry. No document was submitted or located for the final determination that

identified the parents of William Sherman. No document was submitted or found for the final determination that provided sufficient evidence acceptable to the Assistant Secretary that William Sherman was descended from a historical Indian tribe, or had any Indian ancestry.

Therefore, it is determined that the Golden Hill Paugussett Tribe has not demonstrated that its membership descends from a historic tribe, or tribes that combined and functioned as a single autonomous political entity. For this reason, the Golden Hill Paugussett Tribe does not meet the mandatory criterion which is set out in the Code of Federal Regulations, Section 83.7(e).

There are seven criteria that a petitioner for Federal acknowledgment as a tribe must meet, ensuring that the petitioner has existed continuously as a tribe since first sustained contact with non-Indians. These criteria, found in 25 CFR 83 (a)-(g), call for demonstrating through documentary and other evidence that the group has been identified by outsiders as an Indian community, that it has continuously formed a distinct community with political influence or authority over its members, has provided its governing document, that its members are descended from a historic tribe and are not primarily enrolled in another, already recognized tribe, and the petitioner is not subject to Congressional legislation terminating the Federal relationship.

The Golden Hill Paugussett decision was made under the provisions of the acknowledgment regulations (83.10(e)) which calls for an expedited decision where an initial review demonstrates that the petitioner clearly does not meet the requirements of criterion 83.7(e). Where a petitioner clearly cannot demonstrate that its members descend from a historical Indian tribe, an expedited finding is made based on this single criterion. A full consideration under all seven criteria is not made under these circumstances. This is the first final decision made under the expedited review process. Two proposed decisions have been made under the expedited process, to deny acknowledgment of the Mowa Band of Choctaw and the Yuchi Tribal Organization.

This final decision will be published in the Federal Register. It will become effective 90 days after the date of publication, unless a request for reconsideration is filed with the Interior Board of Indian Appeals (IBIA) pursuant to 25 CFR 83.11.

Since the beginning of this Administration, 12 tribes have gained Federal acknowledgment status through the administrative process, Congressional recognition or restoration after previous termination. The Golden Hill Paugussett Tribe is only the second petitioner that has failed to meet the criteria for Federal acknowledgment during this Administration.





# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

September 23, 1996

Ralph E. Gonzales (202) 219-4150

**DELAWARE TRIBE OF EASTERN OKLAHOMA**

**INDEPENDENT TRIBAL STATUS**

**RE-INSTATED**

Ada E. Deer, Assistant Secretary for Indian Affairs signed a final decision recognizing a separate government-to-government relationship between the Delaware Tribe of Eastern Oklahoma and the federal government.

A notice of a proposed decision to reconsider a 1979 determination that the Department of the Interior would engage in government-to-government relations with the Delaware Tribe only through the Cherokee Nation was published on June 27, 1996 (61 FR 33534). A comprehensive legal review conducted by the Division of Indian Affairs, Office of the Solicitor, concludes that the 1979 determination did not consider the entire relevant legal record and did not construe accurately the provisions of the 1866 Treaty with the Delaware and the 1867 Agreement between the Delaware and Cherokee.

Historically, the Delawares became divided into five groups: the Munsee Delaware; the Kansas Delaware; the Absentee Delaware; the main body of the Tribe which moved to the Indian Territory, now eastern Oklahoma, on lands belonging to the Cherokee Nation, Oklahoma, and later those who left Indian Territory and settled eventually in Idaho. The reconsideration of the 1979 determination deals with the main body of the Tribe -- the Delaware who moved to and remained in Indian Territory, Oklahoma.

In 1866, the United States entered into a treaty with the Cherokee and a separate treaty with the Delaware. The treaty with the Delaware, ratified July 26, 1866, (14 Stat. 793), provided for the sale of lands in Kansas in exchange for removal to a reservation of their own in Indian Country. They were guaranteed rights to participate in any general council or territorial government "that may be established for the nations and tribes residing in said Indian Country," and guaranteed peaceable possession. The United States then entered into a treaty with the Cherokee, ratified July 27, 1866 (14 Stat. 799). Article 15 of this Treaty allowed for two payments; one for preservation of their tribal laws, customs and usages not inconsistent with those of the Cherokee, and a second payment to settle within the Cherokee territory and become native Cherokees. The Delaware made these two payments and by this means preserved a right to be a separate tribal government entity.

The administrative practice of the Department of the Interior from 1866 - 1979 was to treat the Delaware as a separate tribe. The decision made in 1979 by the Acting Deputy Commissioner was a departure from this administrative practice and was made apparently without the knowledge that the Delaware had made payments in accordance with the 1866 Treaty to preserve their independent tribal government rights.

The decision to retract the 1979 determination is based on a comprehensive legal analysis of the pertinent treaties and agreements as well as a review of the Department of the Interior's administrative practice. In retracting the 1979 determination, the Delaware Tribe of Eastern Oklahoma, within the restraints imposed by federal law, will be considered a sovereign tribe and will have the same rights to demand consultation and contracting as other tribes. As a separate sovereign nation, the Delaware Tribe of Indians will have the same legal rights and responsibilities as other tribes, both in jurisdiction and as to its right to define its membership. This decision clarifies the government-to government relationship between the United States and the Delaware Tribe of Indians which was understood to exist before the 1979 determination. This decision is final for the Department and is effective immediately.

The Cherokee Delaware Tribe's address is, Cherokee Delaware Business Committee, 108 South Seneca, Bartlesville, Oklahoma 74003.

News releases may be downloaded from the DOI Homepage at URL <http://www.usgs.gov/doi/bia>



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

FOR IMMEDIATE RELEASE  
September 27, 1996

Contact: Thomas W. Sweeney  
(202) 219-4152

## **FASTER NEW SCHOOL CONSTRUCTION TO BENEFIT INDIAN CHILDREN**

Thanks to a newly developed process that streamlines the planning, design, and construction of Indian schools, the Bureau of Indian Affairs (BIA) will be able to complete new schools in half the time or less. This means that the current seven to eight years that it has taken to build or renovate a school will now require only three years or less.

"We are extremely pleased to announce this major benefit to tribes and Indian students," said Assistant Secretary of Indian Affairs Ada E. Deer. "The Clinton Administration is committed to improving Indian education programs and this fast-track delivery of new Indian schools is a major step toward this goal. We now call on Congress to fulfill its responsibilities by funding the more than \$600-million in unmet Indian school construction and repair needs. With a rapidly rising enrollment of Indian students, we have a critical responsibility to ensure that Indian students have decent learning environments to help them succeed in the 21st Century."

Approximately four new school construction pilot projects will be selected in October by the Bureau of Indian Affairs. Tribes and schools boards will then be able to decide if they want their proposed schools to be a part of the new expedited program. These pilot school projects will be selected from the 14 currently funded proposed school construction projects. As a part of the Clinton Administration's Reinventing Government program, the new school planning, design, and construction process was developed by a Reinvention Laboratory Team composed of BIA and Department of the Interior employees.

Members of a recently appointed team to implement the new process are:

- Anthony E. Howard, Contracting and Grants Administration, BIA
- Dr. Kenneth Ross, Office of Indian Education Programs, BIA
- Norman Suazo, Facilities Management and Construction Center, BIA
- Stanley Thurber, Office of the Secretary, DOI
- Nolando Neswood, Employees Union (NFFE) Representative

Copies of a report describing the new process have been distributed to the leaders of tribes that have BIA-funded schools, school principals, and BIA line officers. For further information and report copies, contact Norman Suazo, Division of Program Planning and Implementation, BIA/Facilities Management & Construction Center, P.O. Box 1248, Albuquerque, N.M. 87103.

**-BIA-**



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

October 2, 1996

Ralph E. Gonzales (202) 219-4150

**ADA E. DEER, ASSISTANT SECRETARY FOR INDIAN AFFAIRS**

**JOINS MULTI-NATION SUMMIT TO**

**PROTECT ARCTIC ENVIRONMENT**

Ada E. Deer, Assistant Secretary for Indian Affairs and Joann Sebastian Morris, Director, Office of Indian Education programs attended the inaugural meeting establishing the Arctic Council in Ottawa, Canada on September 19, 1996.

"The Arctic is a particularly fragile ecosystem, and pollutants from elsewhere have entered the food chain in Alaska and acid rain falls on the native people," Ms. Deer said. "The Alaska Natives are very concerned about their health and the environment. The Alaska Natives depend on a subsistence system of hunting and fishing as a means to sustain livelihood and are therefore particularly vulnerable to environmental threats.

Ms. Deer likened the risk to Alaska Natives to those of the Miccosukee Tribe in Florida who depend on subsistence in the Everglades, quoting their Chairman, Billy Cypress who observed, "the snakes are dying, the turtles are dying, are we next?" Clearly we must take action in the Arctic today to avoid the near catastrophe that occurred in the Everglades ecosystem," Ms. Deer said.

The Arctic Council will provide a mechanism for addressing the common concerns and challenges faced by the governments that have land within the 60° Latitude, including the United States, primarily Alaska, and the people of the Arctic. The Council will develop rules of procedure, adopt terms of reference for a sustainable development program as a basis for collaborative projects, and ensure effective transition of the Arctic Environmental Protection Strategy (AEPS) into the Arctic Council, to be completed at the time of the 1997 AEPS Ministerial meeting in Norway.

Indigenous peoples of the Arctic have been included in the establishment of this new intergovernmental forum as an important milestone in a commitment to enhance cooperation in the circumpolar North. This inaugural meeting was attended by the leaders and senior representatives of three international Arctic indigenous organizations - the Inuit Circumpolar Conference, the Saami Council, and the Association of Indigenous Minorities of the North, Siberia, and the Far East of the Russian Federation, as Permanent Participants in the Council. Also in attendance were senior representatives from countries with



populations within the 60° Latitude, including the United States.

○ The Arctic Council Declaration was signed by the foreign ministers and senior representatives of Canada, Denmark on their behalf and for Greenland, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States. Undersecretary Timothy Wirth, of the Department of State represented the United States, signing the Declaration.

"Attendance at this meeting by affected Arctic countries and their indigenous peoples is a giant step forward in the preservation of this very fragile environment," Ms. Deer said. "It will be through joint efforts and international cooperation that the culture and lifestyle of the Alaska Natives will be preserved. It is imperative that the United States continue to take part in this Council and remain an active player."

News releases may be downloaded from the DOI Homepage at URL <http://www.nps.gov/doi/bin>



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

October 10, 1996

Ralph E. Gonzales (202) 219-4150

## **TRUCKEE RIVER WATER DISPUTE**

### **RESOLVED**

#### **PYRAMID LAKE TRIBE DISMISSES LAWSUIT**

Ada E. Deer, Assistant Secretary for Indian Affairs will represent the Department of the Interior at the signing ceremony of Truckee River Water Quality Settlement Agreement, in Reno, Nevada.

The execution of this agreement ends a long standing emotionally charged lawsuit initiated by The Pyramid Lake Tribe against the Cities of Reno, Sparks, the State of Nevada, and the EPA. This agreement establishes a joint program to improve water quality in the Truckee River through purchase and dedication of water rights and to use treatment plant effluent in place of fresh water for certain uses. For example, the metro-area governments (acting together) and with the Department of the Interior will each purchase \$12 million in Truckee River water rights over five years and dedicate them to a joint program to improve water quality and instream flows in the Truckee River from Reno to Pyramid Lake. In addition, water benefits will be enhanced by storing water in federal Truckee River reservoirs so that timed releases during dry periods will improve instream flows. The agreement also improves water quality in Pyramid Lake, home of the endangered cui-ui fish. This fish has long played a significant role in the culture and subsistence of the Pyramid Lake Tribe.

"This agreement set the stage for improved relations between the Pyramid Lake Tribe and the surrounding communities, and water quality in the region will be improved," Ms. Deer said. "The direct benefits will be less pollutants in the water, recovery of endangered species and enhanced recreational opportunities. It is truly my pleasure to be involved in such an historic occasion."

The parties to the agreement are Reno, Sparks and Washoe County; Nevada Division of Environmental Protection; the Pyramid Lake Tribe, EPA, the Department of Justice and the Department of the Interior. The ceremony scheduled for October 10, 1996 will take place at 4:00 PM, at the Wingfield Park Amphitheater, Reno, Nevada.





# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

October 16, 1996

Ralph E. Gonzales (202) 219-4150

## **BIA - USGS FORGE PARTNERSHIP**

### **SCIENCE AND ENVIRONMENTAL EDUCATIONAL OPPORTUNITIES**

#### **EXPANDED FOR INDIAN STUDENTS**

Ada E. Deer, Assistant Secretary for Indian Affairs announced today that the Bureau of Indian Affairs and the United States Geological Survey have entered into a Memorandum of Agreement to provide support for science and environmental education at the elementary and secondary levels in the BIA school system.

The MOA was signed last week by Assistant Secretary for Indian Affairs, Ada E. Deer and Assistant Secretary for Water and Science, Patricia Beneke and was officially announced at the 27th., Annual National Indian Education Association convention held in Rapid City this week.

"The educational materials made available to the Bureau-funded schools by the USGS will provide a much needed resource for our teachers and students," Ms. Deer said. "They will provide access to science activities that will engage our students in hands on, minds on activities. In addition, these resources will be augmented by scientists working with our teachers as mentors and with students to highlight careers in science. I look forward to the enrichment programs this agreement will provide to our schools located throughout the nation."

The task of supporting science education is not a new one for the employees of the USGS. The USGS has made extensive and varied efforts in educational outreach to many American Indian and Alaska Native students and teachers, such as USGS hands-on workshops in rock identification, map reading, and mining activities for Alaska Native high school students from villages throughout Alaska held this past June.

"The Memorandum of Agreement will help expand exposure of American Indian students to important science, providing valuable real life educational opportunities," Ms Beneke said.

The MOA establishes a task force of representatives from the BIA Office of Indian Education Programs and the USGS. The task force will identify a point of contact in each state in the OIEP system to help identify, coordinate, and distribute the educational resources currently offered by USGS. The task force also will assess how currently available USGS educational resources meet teachers' needs and make recommendations to improve the process.

On October 15, the Assistant Secretaries traveled to the Pine Ridge Reservation in South Dakota to provide teachers, administrators, school board members, and tribal government leaders an overview of the material and resources available through the USGS.



# NEWS

## U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**  
October 16, 1996

Ralph E. Gonzales (202) 219-4150

### INDIAN TRIBAL GOVERNMENTS

### TAKE WELFARE REFORM

### SERIOUSLY

Ada E. Deer, Assistant Secretary for Indian Affairs announced that 177 federally-recognized tribes representing 18 tribal grantees are currently participating in a demonstration project that allows for the integration of the employment, training and related services provided by formula-funded programs from three federal agencies.

Since the enactment of this demonstration project job placements have significantly increased, and there has been a reduction in reporting requirements, in some cases, by approximately ninety-six percent. Federal funding in the amount of \$17 million has been pooled by participating agencies for this demonstration project. "The 477 program, has been a great success and is an example of the Administrations efforts to make government more responsive and flexible," Ms. Deer said. This program is authorized under P. L. 102-477 and is entitled the Indian Employment, Training and Related Services Demonstration Act of 1992.

The General Accounting Office (GAO) identified 154 various Federal work force development programs in their 1994 report to the Congress. Many of the 154 programs provide similar services to the same populations. The GAO concluded that:

Conflicting eligibility requirements and differences in annual operation cycles are hampering the ability of programs to provide participants needed services... Differences in eligibility criteria make determining who is eligible for which program a complex process that confuses clients and frustrates administrators.

"The 477 demonstration program changes all that, Ms. Deer said. "Instead of operating 10 different federal programs, tribal governments now operate just one -- commingling all federal funds. Instead of 10 separate tribal accounts, tribes only have one. Instead of 10 separate reporting requirements with 166 pages due quarterly, tribes now have only one annual reporting requirement."

"Some tribes initially expressed reservations due to funding transfer delays, or skepticism due to years of frustration. The same tribes now express their pleasant surprise because the 477 program has made it

easier for staff at the tribal government level to do their jobs and to be more successful," Ms. Deer said. "The Cook Inlet Tribal Council increased their job placement from 500 the first year to 1,000 in the second year," Ms. Deer said.

All federally recognized Indian tribes are eligible to participate in this demonstration program that receives formula-funding for employment, training and related services from the Department of Labor's JTPA and Summer Youth Program, Department of Health and Human Services JOBS and Child Care programs, and BIA General Assistance, Tribal Work Experience, Adult Education, Adult Vocational Education, Johnson O'Mally and Direct Employment Programs.

For information about this program contact the Office of Economic Development, Division of Job Placement & Training, (202) 219-5270. Bureau of Indian Affairs, MS.-1458-MIB, 1849 C Street, NW, Washington, D.C. 20240.

News releases may be downloaded from the DOI Homepage at URL <http://www.usgs.gov/dot/bin>



# NEWS

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## U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

October 17, 1996

Ralph E. Gonzales (202) 219-4150

### **60 YEAR OLD INDIAN LAND LAW**

#### **UPHELD**

Ada E. Deer, Assistant Secretary for Indian Affairs announced that the United States Supreme Court granted the federal government's petition for writ of certiorari on October 15, 1996 (95-1956) to review a decision of the United States Court of Appeals for the Eighth Circuit. The Eighth Circuit's decision entered on November 7, 1995 (69 F. 3d 878) concluded that Section 5 of the Indian Reorganization Act is an unconstitutional delegation of legislative power.

Section 5 of the IRA (25 U.S.C. 461 et seq.) is the general statutory authority used by the Department of the Interior to take fee land into trust status for Indian tribes. "This statutory authority has been used as a basis for the federal government to assist Indian tribal governments in acquiring land to promote economic development and tribal self-sufficiency," Ms. Deer said. "The Supreme Court's ruling yesterday is a significant victory for all Indian tribal governments."

In granting this petition, the U.S. Supreme Court ruled that the decision of the Eighth Circuit is vacated. The Court further instructed the Circuit Court to vacate the judgment of the United States District Court in this case and remand the matter to the Secretary of the Interior for reconsideration of his administrative decision. The court case in the Eighth Circuit involved 91 acres of land placed in trust for the benefit of the Lower Brule Sioux Reservation under the authority of Section 5 of the IRA.

Since this litigation was instituted there has been an administrative procedure added to the regulation (25 CFR 151.12) guiding the Department in taking land into trust for Indian tribes. This final rule, published in the April 1996 Federal Register (61 FR 18082) establishes a 30-day waiting period after final administrative decisions to acquire land into trust and provides an opportunity for the decision to be reviewed in the appropriate federal district court.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY  
FOR IMMEDIATE RELEASE  
October 21, 1996

Contact: Thomas W. Sweeney (202) 219-4152  
Stephanie Hanna (202) 208-3171

## **29 TRIBAL COLLEGES IN 12 STATES TO BENEFIT FROM EXECUTIVE ORDER**

President Clinton has signed an executive order that expands opportunities for federal assistance to tribal colleges and universities that serve approximately 25,000 American Indian and Alaska Native students. At the request of the White House, Secretary of the Interior Bruce Babbitt made the announcement in Phoenix, AZ, today before the opening session of the National Congress of American Indians.

President Clinton's Executive Order recognizes, for the first time, a government-wide federal commitment to tribal colleges. This order will: promote tribal sovereignty and individual achievement; strengthen tribal colleges and universities; offer expanded learning and future career opportunities for tribal members; improve tribal higher education so more tribal members will continue on to four-year institutions. This Executive Order also will advance National Education Goals and federal policy in Indian education.

President Clinton's approval of the Executive Order for Tribal Colleges and Universities promotes the same successful strategies as two other higher-education Executive Orders that he signed for Historically Black Colleges and Universities in 1993 and for Hispanic Serving Institutions in 1994.

"This Executive Order makes a solid connection between this Administration's priority to improve education and its ongoing efforts to strengthen the government-to-government relationship with tribes and tribal self-sufficiency," said Babbitt, who chairs the Working Group on American Indians and Alaska Natives of the White House Domestic Policy Council.

"We thank President Clinton for signing this Executive Order on behalf of American Indian tribes and their youth," said Assistant Secretary for Indian Affairs Ada E. Deer, who co-chairs the Working Group's Subgroup on Education. "This action also promotes the preservation and revitalization of American Indian and Alaska Native languages and cultural traditions."

To carry out these goals, the order calls for the creation of a presidentially appointed board of advisors and a White House Initiative Office within the Department of Education. Each participating federal agency, including the Interior Department, will be required to prepare a five-

-more-



year plan that details how it will assist tribal colleges in participating in federal programs, address barriers to funding opportunities, and eliminate inequalities and disadvantages. Annual progress reports also will be prepared by the agencies for review by the Secretary of Education in consultation with the Director of the Office of Management and Budget.

The tribal colleges are:

- Bay Mills Community College, Brimley, MI
- Blackfeet Community College, Browning, MT
- Cheyenne River Community College, Eagle Butte, SD
- College of the Menominee Nation, Keshena, WI
- Crownpoint Institute of Technology, Crownpoint, NM
- D-Q University, Davis, CA
- Dull Knife Memorial College, Lame Deer, MT
- Fond du Lac Community College, Cloquet, MN
- Fort Belknap Community College, Harlem, MT
- Fort Berthold Community College, New Town, ND;
- Fort Peck Community College, Poplar, MT
- Haskell Indian Nations University, Lawrence, KS
- Institute of American Indian Arts, Santa Fe, NM
- Lac Courte Oreilles Ojibwa Community College, Hayward, WI
- Leech Lake Tribal College, Cass Lake, MN
- Little Big Horn College, Crow Agency, MT
- Little Hoop Community College, Fort Totten, ND
- Navajo Community College, Tsaile, AZ
- Nebraska Indian Community College, Winnebago, NE
- Northwest Indian College, Bellingham, WA
- Oglala Lakota College, Kyle, SD
- Salish Kootenai College, Pablo, MT
- Sinte Gleska University, Rosebud, SD
- Sisseton-Wahpeton Community College, Sisseton, SD
- Southwestern Indian Polytechnic Institute, Albuquerque, NM
- Standing Rock College, Fort Yates, ND
- Stone Child Community College, Box Elder, MT
- Turtle Mountain Community College, Belcourt, ND
- United Tribes Technical College, Bismarck, ND

-DOI-



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

November 15, 1996

Ralph E. Gonzales (202) 219-4150

**BIA SPONSORS**

**NATIONAL AMERICAN INDIAN HERITAGE DAY CELEBRATION**

**NOVEMBER 20, 1996**

Ada E. Deer, Assistant Secretary for Indian Affairs, invites everyone to participate in a **POW WOW** sponsored by the Bureau of Indian Affairs Equal Employment Office and the Bureau's Combined Federal Campaign (CFC) in celebration of National American Indian Heritage Month. The POW WOW will be held outside (weather permitting) and open to the public. This event will feature music, traditional dance, storytelling, cultural displays, and Native American lore. The activity will also feature representatives from various Native American organizations.

This **POW WOW** will be held on **November 20, 1996** at **RAWLINS PARK**, which is on the north side of the OPM building on 19th & "E" Streets, NW. In case of inclement weather the event will take place in the Department of the Interior's Main Auditorium on 19th and "C" Streets, NW.

Events will begin at **10:00 AM** until **2:00 PM**. The sequence of events is as follows:

Master of Ceremony	Tom Fugate
Presentation of Colors	Arm Forces Color Guard
Flag Song	White Oak Singers - Collin Bears Tail
Invocation	Clayton Old Elk
Opening Remarks	Ada E. Deer, Assistant Secretary - Indian Affairs John C. Nicholas, Director, EEO Norman Taylor, Director, CFC National Capitol Area
Drum	White Oak Singers
Head Man Dancer	Joe Martin
Head Woman Dancer	Kimberly Toyekoyah, CFC Coordinator
Storyteller	Mary Arpante
Raffel	Master of Ceremony
Closing	Social Dance (Group Participation)

On October 29, 1996 President Clinton signed a proclamation, designating the month of November 1996 as National American Indian Heritage Month.

"I join the President in affirming tribal self-governance and sovereignty," Ms. Deer said. "Our most important resource is our Indian children. The President, in this proclamation vows that American Indians will not be left behind as the bridge to the 21st century is constructed. We must focus on developing our single most important asset -- our Indian children."

In the proclamation the President states "It means that American Indian children and youth must be provided a solid education and the opportunity to go on to college."

On October 21, 1996 President Clinton signed an executive order that expands opportunities for federal assistance to tribal colleges and universities that serve approximately 25,000 American Indian and Alaska Native students. This executive order:

- reaffirms the special relationship of the federal government to American Indians and Alaskan Natives, ensures that tribal colleges and universities are fully recognized as accredited institutions, establishes a mechanism to increase accessibility of federal resources committed to tribal colleges/universities in their communities on a sustaining basis. promotes access to high quality educational opportunities for economically disadvantaged students, promotes the preservation and revitalization of American Indian/Alaskan Native languages and cultural traditions, and provides innovative approaches to relationships between tribal colleges and early childhood programs.

These are exciting times as we begin building the bridge for the American Indian community for the 21st century. This is a season of change. Accordingly, the BIA's observance theme is **"SEASONS OF CHANGE."**

President Clinton "... urge[s] all Americans, as well as their elected representatives at the Federal, State, local, and tribal levels, to observe this month with appropriate programs, ceremonies, and activities." In this context the BIA extends an open invitation to everyone to join us on this day.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

November 21, 1996

Ralph E. Gonzales (202) 219-4150

**BIA DENOUNCES THE KILLING OF EAGLES**

**FOR COMMERCIAL PURPOSES**

Ada E. Deer, Assistant Secretary for Indian Affairs announced that the U.S. Fish and Wildlife Service, (the Service) within the Department of the Interior, carried out Federal search and arrest warrants in the four-corners area (New Mexico, Arizona, Colorado and Utah) today. This federal action is a culmination of a two year undercover investigation which has been conducted by the Service, into the killing and selling of eagles and other protected migratory birds.

The warrants were executed in cooperation with tribal and BIA Law Enforcement Officials. "Thirty-five individuals and businesses will be charged with selling protected migratory bird parts," the Service states. "It is very tragic that wildlife is slaughtered in this manner for commercial purposes. More arrests will take place on the Navajo Nation today," Ms. Deer says. "The Department of Fish and Wildlife for the Navajo Nation is assisting the Service in this effort."

Estimates are that some eagle parts may sell for as much as \$850.00 to \$1,000.00. This has made illegal trafficking very lucrative and indications are that because of increased popularity and demand this illegal activity may become more attractive. The Bald Eagle Protection Act of June 8, 1940, amended for eagle parts in 1962 (16 U.S.C. 668 et seq.), prohibits the taking, possession, sale, purchase or transportation of bald eagles, their parts or feathers and provides for a narrow exemption for religious purposes of Indian tribes. Individual American Indians may obtain eagle parts if they are members of a federally recognized Indian tribe, have a federal permit issued by the Service and obtain eagle feathers or other parts from the National Eagle Repository near Denver, Colorado.

"I applaud the actions of the U.S. Fish and Wildlife Services in this enforcement endeavor," Ms. Deer says. Individuals charged in these arrests will be prosecuted by the federal government as opposed to the State or tribe. If convicted they may be sentenced to up to two years in prison and/or fined up to \$250,000 per offense.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
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**FOR IMMEDIATE RELEASE**

December 5, 1996

Ralph E. Gonzales (202) 219-4150

**SHOSHONE-BANNOCK, FORT HALL, IDAHO**

**DEDICATES**

**NATIVE AMERICAN ALTERNATIVE SCHOOL**

Ada E. Deer, Assistant Secretary for Indian Affairs announces the dedication of a new Jr/Sr High School at Fort Hall, Idaho for the Shoshone-Bannock.

Federal, state and tribal agencies worked cooperatively to provide funding for the construction of this new school. The school is designed in traditional motif and is considered one of the most beautiful educational facilities in the State of Idaho. The facility will offer state-of-the-art equipment, resources, and instruction for the Fort Hall Indian Community.

"It is with deep regret that I will not be able to attend the dedication of the Shoshone-Bannock Jr/Sr High School on the 6th., but a prior commitment to attend a meeting with the Alaska Inter-Tribal Council prevents me from being there," Ms. Deer said. "I congratulate the Fort Hall Indian Community on their efforts to make a dream come true for their Indian children. The school's design sounds as if it will establish a comfortable, conducive learning environment for them. As a social worker I have always placed a priority on the health, welfare, and education of our Indian children. The dedication and commitment in constructing this school which will provide state-of-the-art educational opportunities must be commended. The present investment of time, energy, and money will reap many future returns for your community in terms of the students that leave your school, that become well adjusted productive adults - Indian adults that will in turn contribute to the continued success of your Indian community. I will be in Alaska during the dedication of your new school, but my spirit and thoughts will be with you throughout the day. May your new school be successful, forever."

The dedication of the Fort Hall, Shoshone-Bannock Jr/Sr High School will be held on December 6, 1996 at 2:00 pm., at Fort Hall, Idaho. However, day long activities will be featured, including a traditional feast, and pow-wow/dance. Contact Mr. Marvin Osborne, Chairperson, School Dedication Committee at (208) 238-3980 for more information.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

## OFFICE OF THE SECRETARY

### FOR IMMEDIATE RELEASE

December 6, 1996

Contact Thomas W. Sweeney (202) 219-4150  
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## INTERIOR DEPARTMENT RECOMMENDS LEGISLATIVE OPTIONS TO RESOLVE TRIBAL TRUST FUND BALANCE DISPUTES

The Department of the Interior has presented to Congress an initial report that outlines proposed legislative settlement options for resolving disputed balances in Tribal trust accounts. The report and recommendations are in response to a five-year study by a national accounting firm which examined billions of dollars in Tribal trust fund transactions handled by the Bureau of Indian Affairs for a 20-year period beginning in 1972.

"We are committed to resolving these issues in a manner that is fair to the Tribes and fair to the public, and that does justice," said Secretary of the Interior Bruce Babbitt. "Where the government has been found to owe money, we will pay it, with interest."

The study, which was undertaken for the BIA by the national accounting firm Arthur Andersen, LLP, determined that 86 percent - or \$15.3 billion - of the \$17.7 billion the BIA handled in Tribal trust fund non-investment transactions from July 1972 to September 1992 could be reconciled, i.e., supporting documents could be located. Of the reconciled transactions, Arthur Andersen detected an error rate of only .01%. Other components of the project assessed the accuracy of other transactions, the reasonableness of investments, and the propriety of income collected. Overall, slightly less than half of the errors detected were to the detriment of the Tribes and the balance were to the benefit of the Tribes.

Where the BIA was found to have made errors to the detriment of a Tribe, the Department proposes that funds be restored to the Tribe,

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with interest. Where a Tribe may owe the government money after netting all errors relating to that Tribe's account, the amount would be forgiven. For claims where a Tribe disputes a transaction based on the Tribe's own documentation, or for claims where a Tribe disputes the BIA's documentation used to reconcile a transaction, those claims would be addressed through mediation.

There were also transactions in the amount of \$2.4 billion that could not be reconciled, meaning that during the course of the study, the BIA was not able to locate documentation to support the accuracy of the transaction as reflected in the BIA's books (known as the general ledger). The report indicates that with respect to three quarters of this amount, there is relatively little risk that a Tribe did not have use of its own money (although the funds conceivably could have been credited to the wrong account of that Tribe). As a result, settlement options with regard to the unreconciled transactions will focus on the remaining \$575 million in transactions. Options to address these transactions, as well as any other claims that Tribes may have involving transactions outside the scope of the 20-year study, will be the focus of consultation efforts by the Department with the Tribes.

"The overriding objective of this settlement is to achieve fairness and justice with respect to Tribal trust account balances," states the Interior Department report. "We are committed to doing the best job we can, recognizing the limitations of what has occurred in the past and the available information, to restore funds to Tribal trust accounts that have suffered losses as a result of inadequacies in the Department's management and accounting systems. The effort must be principled and undertaken in good faith, while, at the same time, protecting the public fisc where little or no reasonable likelihood of loss exists."

The Interior Department was guided by the following objectives in formulating its legislative proposals:

- achieve a settlement that is fair
- achieve the most resource-efficient settlement of claims (in terms of conserving federal government and Tribal time, money, and staff, including attorneys' and expert witness fees)
- encourage settlement by providing incentives to settle and by providing disincentives to litigation
- use the most informal settlement processes available rather

than litigation to encourage Tribal participation

- obtain funding for the settlement without reducing appropriations for the BIA budget and Tribal programs
- achieve final agreement on account balances through September 30, 1995, as required in the Act, as an agreed-upon starting point for the future

The Interior Department report was submitted by Secretary Babbitt to the Senate Committee on Indian Affairs and the House Committee on Natural Resources. The Department will be consulting with Tribes on the options contained in the report, including meetings in January in Portland, Oregon; Denver, Colorado; Phoenix, Arizona; and Washington, D.C. It will submit further proposals to Congress for settling Tribal trust fund account balances in April 1997. In addition, early next spring, the Special Trustee, appointed by the President to reform the Department's trust management systems, will submit his strategic plan to the Secretary and Congress for bringing the trust accounting and management functions up to industry standards.

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# NEWS

U.S. DEPARTMENT OF THE INTERIOR

## OFFICE OF THE SECRETARY

### FOR IMMEDIATE RELEASE

December 11, 1996

Contact Thomas W. Sweeney (202) 219-4150

Stephanie Hanna (202) 208-3171

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Where the BIA was found to have made errors to the detriment of a Tribe, the Department proposes that funds be restored to the Tribe, with interest. Where a Tribe may owe the government money after netting all errors relating to that Tribe's account, the amount would be forgiven. For claims where a Tribe disputes a transaction based on the Tribe's own documentation, or for claims where a Tribe disputes the BIA's documentation used to reconcile a transaction, those claims would be addressed through mediation.

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- achieve the most resource-efficient settlement of claims (in terms of conserving federal government and Tribal time, money, and staff, including attorneys' and expert witness fees)
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# NEWS

U.S. DEPARTMENT OF THE INTERIOR

For Immediate Release  
December 19, 1996

Contact: Thomas W. Sweeney  
(202) 219-4152

## **Tribes to Benefit from GSA and Interior Department Communications Initiative**

The Quileute Tribe of LaPush, Washington, today became the first federally recognized tribal nation to contract with the Federal Telecommunications Service to receive low rates and reliable service for voice, data, and video transmission service.

"As we approach the 21st Century, it is imperative that tribes and tribal members--especially our young people--have economical access to the Information Age," said Assistant Secretary for Indian Affairs Ada E. Deer during a signing ceremony today in the office of the U.S. General Services Administration Acting Administrator David J. Barram. Through a new service agreement that is available, the nation's 554 federally recognized tribes can now realize considerable savings and expand the use of new technology such as the Internet for schools, economic development, and other tribal needs.

Quileute tribal representative Sherman Black signed the FTS 2000 service agreement that he said will allow the tribe to economically use long-distance services for videoconferencing, data transmission, and phone calls. "I am honored to be the first to sign this agreement. This agreement will provide new long-distance service to our community and school in LaPush--and with substantial savings over our current commercial long-distance service rates," Black said. The Quileute Tribe can now use the FTS 2000 for such tribal programs as law enforcement, a fishery, and a school.

"This agreement supports the Clinton Administration's objectives of strengthening intergovernmental partnerships, providing access to the information superhighway, and increasing the use of technology to streamline financial services," said GSA Acting Administrator Barram.

Tribes interested in learning more about the FTS 2000 services can contact Alvin Woods at (703) 760-7568 or Julie Belindo at (703) 904-2803.

**-BIA-**



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

**OFFICE OF THE  
ASSISTANT SECRETARY - INDIAN AFFAIRS**

**FOR IMMEDIATE RELEASE**

December 26, 1996

Contact Ralph E. Gonzales (202) 219-4150

## **H<sub>2</sub>O FOR S & F**

### **THE SAC AND FOX NATION OF OKLAHOMA SETTLES**

#### **WATER POLLUTION LAWSUIT**

Ada E. Deer announced today that a settlement has been reached in a lawsuit filed on behalf of the Sac and Fox Nation of Oklahoma (the Nation) by the federal government. "This settlement will bring to a conclusion almost five (5) decades of dispute over the issue of pollution, caused by oil and gas drilling, of groundwater used by the Nation," Ms. Deer said.

The Department of Justice at the request of the Bureau of Indian Affairs instituted a lawsuit against Tenneco Oil Company, this year, for contaminating the water supply and lands used by the Nation. Tenneco implemented a process which involved the injection of saltwater into the ground in large volumes under high pressure in order to force oil and gas into adjacent wells to be pumped to the surface. The federal government contended that the Nation's sole source of drinking water was ruined by Tenneco's failure to properly construct and maintain the waterflooding and oil production systems.

The settlement will provide the Nation with a new water system and \$1.16 million in compensation for contamination to the water supply and tribal lands. Additionally, Tenneco will reforest a pecan grove, restore an area of tribal land damaged by oil and gas related activities and install a water recovery system on the Deep Fork River which crosses tribal lands, enabling the Nation to irrigate the land and develop a farming economy.

The federal government filed the lawsuit under the provisions of the Safe Drinking Water Act. This lawsuit demonstrates the cooperation which exists among various federal agencies (in this case, the Department of the Interior, the Environmental Protection Agency, and the Department of Justice) in protecting the interests of federally recognized tribes. "The BIA will continue to support tribal governmental sovereignty by ensuring that the federal government properly exercises its trust responsibility," Ms. Deer said.

**-BIA-**